

**CLINTON COUNTY BOARD**  
**JUNE 21, 2004**

The June meeting of the Clinton County Board was called to order by Sheriff Mike Kreke on Monday, June 21, 2004, at 7:00 p.m.

**Roll call:** Present - Beckmann, Fix, Foppe, Hitpas, Holtgrave, Kloeckner, Lampe, Murray , Pingsterhaus, Robbiins, Sullivan, Craig Taylor and Jack Taylor.

The Pledge of Allegiance was recited. Recognition of visitors and guests.

First reading of appointments: Andrew Flood, Trustee for New Memphis Sanitary District; William Simonton, Lester Thouvenin, David Cahoon and James Taylor, Members for Posey Cemetery Association.

**MOTION** by Lampe second by Sullivan to approve the appointment of Ray Westpahl as Trustee of the Sugar Creek Township Fire Protection District. **MOTION CARRIED.**

**MOTION** by Lampe second by Holtgrave to approve the appointment of Maurice Diekemper as Trustee of the Tri-Township Water District. **MOTION CARRIED.**

**MOTION** by Beckmann second by Fix to approve the appointments of Chris Rivera, Steven Stone and Chris Dixon to the Clinton County Health Board. **MOTION CARRIED.**

**MOTION** by Hitpas second by Lampe to approve the appointment of Dan Gilbreth as Trustee of the Santa Fe Fire Protection District. **MOTION CARRIED.**

**MOTION** by Jack Taylor second by Beckmann to approved the minutes of the previous meeting. **MOTION CARRIED.**

**MOTION** by Jack Taylor second by Sullivan to accept an ordinance, as presented, which amends the Clinton County Code of Ordinances regulating the ethical conduct, political activities, solicitation and acceptance of gifts by employees. **MOTION CARRIED.**

**MOTION** by Craig Taylor second by Beckmann to adopt an ordinance amending the Clinton County Zoning Code classifying 1.99 acres of real estate in Wade Township as "Commercial" Roll call vote: Yes - Hitpas, Murray, Robbins, Pingsterhaus, Jack Taylor, Fix, Holtgrave, Foppe, Sullivan, Craig Taylor, Beckmann, and Lampe. Absent - Mensing and Guthrie. **MOTION CARRIED.**

**MOTION** by Jack Taylor second by Holtgrave to accept the two ordinances as requested by the Sheriff's Office. The first ordinance amends the Clinton County Motor Vehicle Code to include (M) Schedule "G" listing "No Parking" areas; the second ordinance amends Schedule "G" to include Walcott Road to Emerald Road on IL Rte127. **MOTION CARRIED.**

Chairman Kloeckner gave a coal bed methane update. BPI Industries reached an agreement with

Christian County similar to ours. All the information is being sent to the 15 companies that had responded to the original advertisement. A company from Australia has spent three days at BPI's office in Marian evaluating the project.

The following committees had no reports: Lake Task Force, General Services and Agriculture.

**INSURANCE TRUST** - Foppe reported the Insurance Trust is in the process of reviewing the contracts for property and casualty insurance and are expecting to save quite a bit on money. Foppe mentioned he was supposed to have received a letter concerning the old Health Insurance Trust but it hasn't come in yet.

**HEALTH INSURANCE COMMITTEE** - Hitpas stated the committee had met and reviewed the claims and they were accepted.

**UNINCORPORATED AREA IMPROVEMENT COMMITTEE** - Robbins reported the property in New Memphis has been cleaned up. The next meeting is Thursday evening.

**SAFETY COMMITTEE** - Pingsterhaus reported the committee had met on June 7<sup>th</sup> with some of the department heads and J. P. Penet of the Insurance Trust and went through safety issues.

**EDUCATION COMMITTEE** - Beckmann reported the next meeting will be July 1, 2004, at 4:30p.m.

**708 MENTAL HEALTH BOARD/SWIAAAA COMMITTEE** - Foppe stated the next meeting will be June 30, 2004, to award the grants and will give a full report at next month's meeting..

**GIS COMMITTEE** - Beckmann reported the committee is working on finalizing a certified photogramitist. The Committee is also trying to negotiate payment terms for the street centerline data.

**RC&D COUNCIL** - Lampe informed the board that Evansville is the proposed site for a 30 million gallon ethanol plant. The next meeting is scheduled for July 20th.

**SOLID WASTE COMMITTEE** - Holtgrave said all the county mayors have been invited to next week's meeting at which there will be a guest speaker.

**TOURISM COMMITTEE** - Holtgrave reported "Show Me St. Louis" program aired on June 9<sup>th</sup> and the towns were happy with it.

**9-1-1 COMMITTEE** - Jack Taylor announced they are waiting for the construction to begin on the jail extension.

**NEGOTIATION COMMITTEE** - Craig Taylor reported the committee went over the contract with the Supervisor of Assessments which is due July 1, 2004. The contract will be for a 4 year term

with a \$2,500.00 increase each year for 4 years. **MOTION** by Craig Taylor second by Lampe to accept the contract. **MOTION CARRIED.**

**ZONING/SUBDIVISION COMMITTEE - MOTION** by Sullivan second by Hitpas to approve “The Lakes” Subdivision located in Section 22, Sugar Creek Township. **MOTION CARRIED.**

**LAW ENFORCEMENT COMMITTEE** - Sullivan reported they started preliminary work on the jail extension. Sheriff Kreke said the line was marked from the Court House to the Jail. Hitpas reported ESDA will receive a \$62,085.00 grant for radio equipment.

**ECONOMIC DEVELOPMENT/SWIDA** - Sullivan reported SWIDA is trying to find a replacement for their Board Chairman. The new director will be spending 25% of his time on Clinton County business.

**PERSONNEL COMMITTEE** - Holtgrave reported there is a discrepancy with Pam Sheathelm wages and Mike McMillan was advised to wait until the contract is up.

**ROAD & BRIDGE COMMITTEE** - Engineer Mitchell reported the bridge over new US Route 50 on CH14 St. Rose Road is an IDOT project and the letting will be July 30th.

**MOTION** by Jack Taylor second by Sullivan to approve a petition from Santa Fe Township for 50% county match to replace a drainage structure at the intersection of Pelican and Pollman Roads. **MOTION CARRIED.**

**MOTION** by Holtgrave second by Fix to accept a resolution to approve an 80,000 lb. Truck Access Road Program with IDOT on CH#7 (Germantown Road). **MOTION CARRIED.**

Wiedle Road project has been awarded and work should begin the first week of July. CH#8 (Albers Road) project is almost completed. The subcontractors have not yet finished the work on CH#8 (Damiansville Road) from Damiansville west across Sugar Creek. Mitchell reported one of his trucks was involved in an accident.

**FINANCE/HEALTH SERVICES COMMITTEE** - Jack Taylor passed around the monthly report of the Health Department.

Fred Becker of Glass & Shuffett was present with the budget amendments. The amendments include the Jail addition transfers, the Teamsters salary increases and health insurances. A copy of the amended budget is available for inspection at the County Clerk’s Office. The public hearing on the amended budget will be held at 6:00 p.m. on July 13<sup>th</sup> and the budget approval will be at the July board meeting.

**MOTION** by Craig Taylor second by Robbins to approve the Six Month’s and the Monthly Budget and Financial Report of the County Treasurer. **MOTION CARRIED.**

The oil check received was for \$12,449.81. Treasurer Mueller reported the State Treasurer will be in his office on June 23<sup>rd</sup> with the Dash for Cash program.

**MOTION** by Jack Taylor second by Holtgrave to change the county board meeting from Monday night to Tuesday night, July 20<sup>th</sup> because of the Clinton County Fair Parade. **MOTION CARRIED.**

The Supervisor of Assessment's turned over the real estate books to the County Clerk's Office today and she requests that the board approve the Board of Review adjournment. **MOTION** by Foppe second by Lampe to approve the adjournment of the Board of Review. **MOTION CARRIED.**

**FACILITIES COMMITTEE** - Last month a motion was made to pay Netemeyer Engineering as per his contract for work on the jail extension. We have a bill for \$9,500.00 for payment that was referred to the Law Enforcement Committee, who in turn sent it to the Facilities Committee. Jack Taylor presented a bill for \$5,268.00 from John Brooks of Breese to clean up the property at New Memphis. **MOTION** by Robbins second by Jack Taylor to approve payment to John Brooks. **MOTION CARRIED.**

**MOTION** by Jack Taylor second by Foppe to approve payment of Jim Sullivan's per diem-\$2,400.00 and mileage-\$736.56. **MOTION CARRIED.**

**LIQUOR COMMITTEE** - Holtgrave reported the committee will meet July 5<sup>th</sup> at the Crossroads Restaurant near Keyesport..

**ENVIRONMENTAL CONCERNS COMMITTEE** - Lampe reported he had gone to Springfield to attend a pre-hearing meeting with the Department of Mines and Minerals. The meeting was canceled because the hearing officer was in another hearing. It would have been on the final permit concerning the slag pile.

**MOTION** by Robbins second by Craig Taylor to approve payment of the Accounts Payable Claims. **MOTION CARRIED.**

**MOTION** by Hitpas second by Beckmann to approve semi-annual report of the County Clerk and Recorder's Office. **MOTION CARRIED.**

Sullivan asked about the bill from Netemeyer Engineering. According to the contract he needs to bill in increments as the work progresses. Netemeyer needs to resubmit a billing that will reflect that.

**MOTION** by Robbins second by Holtgrave to adjourn the meeting. **MOTION CARRIED.**

Ray Kloeckner  
Board Chairman

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Thomas LaCaze, County Clerk & Recorder

**#06-04-01**

**WHEREAS**, the Illinois General Assembly has enacted the State Officials and Employees Ethics Act (Public Act 93-615, effective November 19, 2003, as amended by Public Act 93-617, effective December 9, 2003), which is a comprehensive revision of State statutes regulating ethical conduct, political activities and the solicitation and acceptance of gifts by State officials and employees; and

**WHEREAS**, the Act requires all units of local government and school districts, within six months after the effective date of Public Act 93-615, to adopt ordinances or resolutions regulating the political activities of, and the solicitation and acceptance of gifts by, the officers and employees of such units "in a manner no less restrictive" than the provisions of the Act; and

**WHEREAS**, it is the clear intention of the Act to require units of local government and school districts to implement regulations that are at least as restrictive as those contained in the Act, and to impose penalties for violations of those regulations that are equivalent to those imposed by the Act, notwithstanding that such penalties may exceed the general authority granted to units of local government to penalize ordinance violations; and

**WHEREAS**, it is the clear intention of the Act to provide units of local government with all authority necessary to implement its requirements on the local level regardless of any general limitations on the power to define and punish ordinance violations that might otherwise be applicable; and

**WHEREAS**, because the Act provides for the imposition of significant penalties for violations of said local regulations, it is necessary to adopt the required regulations by Ordinance rather than by Resolution;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY OF CLINTON AS FOLLOWS:**

**SECTION 1:** The Code of Ordinances of Clinton County is hereby amended by the addition of the following provisions:

**1**

**ARTICLE 1**

**DEFINITIONS**

Section 1-1. For purposes of this ordinance, the following terms shall be given these definitions:

"Campaign for elective office" means any activity in furtherance of an effort to influence the selection, nomination, election, or appointment of any individual to any federal, State, or local public office or office in a political organization, or the selection, nomination, or election of Presidential or Vice-Presidential electors, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official duties.

"Candidate" means a person who has filed nominating papers or petitions for nomination or election to an elected office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at a regular election, as defined in section 1-3 of the Election Code (10 ILCS 5/1-3).

"Collective bargaining" has the same meaning as that term is defined in Section 3 of the Illinois Public Labor Relations Act (5 ILCS 315/3).

"Compensated time" means, with respect to an employee, any time worked by or credited to the employee that counts toward any minimum work time requirement imposed as a condition of his or her employment, but for purposes of this Ordinance, does not include any designated holidays, vacation periods, personal time, compensatory time off or any period when the employee is on a leave of absence. With respect to officers or employees whose hours are not fixed, "compensated time" includes any period of time when the officer is on premises under the control of the employer and any other time when the officer or employee is executing his or her official duties, regardless of location.

"Compensatory time off" means authorized time off earned by or awarded to an employee to compensate in whole or in part for time worked in excess of the minimum work time required of that employee as a condition of his or her employment.

"Contribution" has the same meaning as that term is defined in section 9-1.4 of the Election Code (10 ILCS 5/9-1.4).

"Employee" means a person employed by Clinton County, whether on a full-time or part-time basis or pursuant to a contract, whose duties are subject to the direction and control of an employer with regard to the material details of how the work is to be performed, but does not include an independent contractor.

"Employer" means the County of Clinton.

"Gift" means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an officer or employee.

"Leave of absence" means any period during which an employee does not receive (I) compensation for employment, (ii) service credit towards pension benefits, and (iii) health insurance benefits paid for by the employer.

"Officer" means a person who holds, by election or appointment, an office created by statute or ordinance, regardless of whether the officer is compensated for service in his or her official capacity.

"Political activity" means any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities (I) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official duties.

"Political organization" means a party, committee, association, fund, or other organization (whether or not incorporated) that is required to file a statement of organization with the State Board of Elections or a county clerk under Section 9-3 of the Election Code (10 ILCS 5/9-3), but only with regard to those activities that require filing with the State Board of Elections or a county clerk.

"Prohibited political activity" means:

- (1) Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.
- (2) Soliciting contributions, including but not limited to the purchase of, selling, distributing, or receiving payment for tickets for any political fund-raiser, political meeting, or other political event.
- (3) Soliciting, planning the solicitation of, or preparing any document or

report regarding anything of value intended as a campaign contribution.

(4) Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.

(5) Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.

(6) Assisting at the polls on election day on behalf of any political organization or candidate for elective office or for or against any referendum question.

(7) Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.

(8) Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.

(9) Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.

(10) Preparing or reviewing responses to candidate questionnaires.

(11) Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.

(12) Campaigning for any elective office or for or against any referendum question.

(13) Managing or working on a campaign for elective office or for or against any referendum question.

(14) Serving as a delegate, alternate, or proxy to a political party convention.

(15) Participating in any recount or challenge to the outcome of any election.

"Prohibited source" means any person or entity who:

(1) is seeking official action (I) by an officer or (ii) by an employee, or by the officer or another employee directing that employee;

(2) does business or seeks to do business (I) with the officer or (ii) with an employee, or with the officer or another employee directing that employee;

(3) conducts activities regulated (I) by the officer or (ii) by an employee, or by the officer or another employee directing that employee; or

(4) has interests that may be substantially affected by the performance or non-performance of the official duties of the officer or employee.

## **ARTICLE 5**

### **PROHIBITED POLITICAL ACTIVITIES**

Section 5-1. Prohibited political activities. (a) No officer or employee shall intentionally perform any prohibited political activity during any compensated time, as defined herein. No officer or employee shall intentionally use any property or resources of Clinton County in connection with any prohibited political activity.

(b) At no time shall any officer or employee intentionally require any other officer or

employee to perform any prohibited political activity (I) as part of that officer or employee's duties, (ii) as a condition of employment, or (iii) during any compensated time off (such as holidays, vacation or personal time off).

(c) No officer or employee shall be required at any time to participate in any prohibited political activity in consideration for that officer or employee being awarded additional compensation or any benefit, whether in the form of a salary adjustment, bonus, compensatory time off, continued employment or otherwise, nor shall any officer or employee be awarded additional compensation or any benefit in consideration for his or her participation in any prohibited political activity.

(d) Nothing in this Section prohibits activities that are permissible for an officer or employee to engage in as part of his or her official duties, or activities that are undertaken by an officer or employee on a voluntary basis which are not prohibited by this Ordinance.

(e) No person either (I) in a position that is subject to recognized merit principles of public employment or (ii) in a position the salary for which is paid in whole or in part by federal funds and that is subject to the Federal Standards for a Merit System of Personnel Administration applicable to grant-in-aid programs, shall be denied or deprived of employment or tenure solely because he or she is a member or an officer of a political committee, of a political party, or of a political organization or club.

## 5

### ARTICLE 10

#### GIFT BAN

Section 10-1. Gift ban. Except as permitted by this Article, no officer or employee, and no spouse of or immediate family member living with any officer or employee (collectively referred to herein as "recipients"), shall intentionally solicit or accept any gift from any prohibited source, as defined herein, or which is otherwise prohibited by law or ordinance. No prohibited source shall intentionally offer or make a gift that violates this Section.

Section 10-2. Exceptions. Section 10-1 is not applicable to the following:

- (1) Opportunities, benefits, and services that are available on the same conditions as for the general public.
- (2) Anything for which the officer or employee, or his or her spouse or immediate family member, pays the fair market value.
- (3) Any (I) contribution that is lawfully made under the Election Code or (ii) activities associated with a fund-raising event in support of a political organization or candidate.
- (4) Educational materials and missions.
- (5) Travel expenses for a meeting to discuss business.
- (6) A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiancé or fiancée.
- (7) Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on



the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as: (I) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals; (ii) whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (iii) whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other officers or employees, or their spouses or immediate family members.

(8) Food or refreshments not exceeding \$75 per person in value on a single calendar day; provided that the food or refreshments are (I) consumed on the premises from which they were purchased or prepared or (ii) catered. For the purposes of this Section, "catered" means food or refreshments that are purchased ready to consume which are delivered by any means.

(9) Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of an officer or employee), if the benefits have not been offered or enhanced because of the official position or employment of the officer or employee, and are customarily provided to others in similar circumstances.

(10) Intra-governmental and inter-governmental gifts. For the purpose of this Act, "intra-governmental gift" means any gift given to an officer or employee from another officer or employee, and "inter-governmental gift" means any gift given to an officer or employee by an officer or employee of another governmental entity.

(11) Bequests, inheritances, and other transfers at death.

(12) Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100.

Each of the exceptions listed in this Section is mutually exclusive and independent of every other.

Section 10-3. Disposition of gifts. An officer or employee, his or her spouse or an immediate family member living with the officer or employee, does not violate this Ordinance if the recipient promptly takes reasonable action to return a gift from a prohibited source to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501 (c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded.

## **ARTICLE 15 ETHICS ADVISOR**

Section 15-1. The County Board Chairman, with the advice and consent of the Clinton County Board shall designate an Ethics Advisor for the County of Clinton. The duties of the Ethics Advisor may be delegated to an officer or employee of the County of Clinton unless the position has been created as an office by the County of Clinton.

Section 15-2. The Ethics Advisor shall provide guidance to the officers and employees of Clinton County concerning the interpretation of and compliance with the provisions of this Ordinance and State ethics laws. The Ethics Advisor shall perform such other duties as may be delegated by the Clinton County Board.

## **ARTICLE 20 ETHICS COMMISSION**

Section 20-1. There is hereby created a commission to be known as the Ethics Commission of Clinton County. The Commission shall be comprised of three members

appointed by the County Board Chairman with the advice and consent of the Clinton County Board. No person shall be appointed as a member of the Commission who is related, either by blood or by marriage up to the degree of first cousin, to any elected officer of Clinton County. No more than two members of the Commission shall belong to the same political party at the time such appointments are made. Party affiliation shall be determined by affidavit of the person appointed.

Section 20-2. At the first meeting of the Commission, the initial appointees shall draw lots to determine their initial terms. Two commissioners shall serve 2-year terms, and the third commissioner shall serve a one-year term. Thereafter, all commissioners shall be appointed to 2-year terms. Commissioners may be reappointed to serve subsequent terms.

At the first meeting of the Commission, the commissioners shall choose a chairperson from their number. Meetings shall be held at the call of the chairperson or any 2 commissioners. A quorum shall consist two commissioners, and official action by the commission shall require the affirmative vote of two members.

Section 20-3. The County Board Chairman, with the advice and consent of the Clinton County Board, may remove a commissioner in case of incompetency, neglect of duty or malfeasance in office after service on the commissioner by certified mail, return receipt requested, of a copy of the written charges against the commissioner and after providing an opportunity to be heard in person or by counsel upon not less than 10 days' notice. Vacancies shall be filled in the same manner as original appointments.

Section 20-4. The Commission shall have the following powers and duties:

(1) To promulgate procedures and rules governing the performance of its duties and the exercise of its powers.

(2) Upon receipt of a signed, notarized, written complaint, to investigate, conduct hearings and deliberations, issue recommendations for disciplinary actions, impose fines in accordance with Section 25-1(c) of this Ordinance and refer violations of Article 5 or Article 10 of this Ordinance to the appropriate attorney for prosecution. The Commission shall, however act only upon the receipt of a written complaint alleging a violation of this Ordinance and not upon its own prerogative.

(3) To receive information from the public pertaining to its investigations and to require additional information and documents from persons who may have violated the provisions of this Ordinance.

(4) To compel the attendance of witnesses and to compel the production of books and papers pertinent to an investigation. It is the obligation of all officers and employees of Clinton County to cooperate with the Commission during the course of its investigations. Failure or refusal to cooperate with requests by the Commission shall constitute grounds for discipline or discharge.

(5) The powers and duties of the Commission are limited to matters clearly within the purview of this Ordinance.

Section 20-5. (a) Complaints alleging a violation of this Ordinance shall be filed with the Ethics Commission.

(b) Within 3 business days after the receipt of a complaint, the Commission shall send by certified mail, return receipt requested, a notice to the respondent that a complaint has been filed against him or her and a copy of the complaint. The Commission shall send by certified mail, return receipt requested, a confirmation of the receipt of the complaint to the complainant within 3 business days after receipt by the commission. The notices to the respondent and the

complainant shall also advise them of the date, time, and place of the meeting to determine the sufficiency of the complaint and to establish whether probable cause exists to proceed.

(c) Upon not less than 48 hours' public notice, the Commission shall meet to review the sufficiency of the complaint and, if the complaint is deemed sufficient to allege a violation of this Ordinance, to determine whether there is probable cause, based on the evidence presented by the complainant, to proceed. The meeting may be closed to the public to the extent authorized by the Open Meetings Act. The Commission shall issue notice to the complainant and the respondent of the Commission's ruling on the sufficiency of the complaint and, if necessary, on probable cause to proceed within 7 business days after receiving the complaint.

If the complaint is deemed sufficient to allege a violation of Article 10 of this Ordinance and there is a determination of probable cause, then the Commission's notice to the parties shall include a hearing date scheduled within 4 weeks after the complaint's receipt. Alternatively, the Commission may elect to notify in writing the attorney designated by the corporate authorities to prosecute such actions and request that the complaint be adjudicated judicially. If the complaint is deemed not sufficient to allege a violation or if there is no determination of probable cause, then the Commission shall send by certified mail, return receipt requested, a notice to the parties of the decision to dismiss the complaint, and that notice shall be made public.

If the complaint is deemed sufficient to allege a violation of Article 5 of this Ordinance, then the Commission shall notify in writing the attorney designated by the corporate authorities to prosecute such actions and shall transmit to the attorney the complaint and all additional documents in the custody of the Commission concerning the alleged violation.

(d) On the scheduled date and upon at least 48 hours' public notice of the meeting, the Commission shall conduct a hearing on the complaint and shall allow both parties the opportunity to present testimony and evidence. The hearing may be closed to the public only if authorized by the Open Meetings Act.

(e) Within 30 days after the date the hearing or any recessed hearing is concluded, the Commission shall either (i) dismiss the complaint or (ii) issue a recommendation for discipline to the alleged violator and to the County Board Chairman, or impose a fine upon the violator, or both. The particular findings in the case, any recommendation for discipline, and any fine imposed shall be a matter of public information.

(f) If the hearing was closed to the public, the respondent may file a written demand for a public hearing on the complaint within 7 business days after the issuance of the recommendation for discipline or imposition of a fine, or both. The filing of the demand shall stay the enforcement of the recommendation or fine. Within 14 days after receiving the demand, the Commission shall conduct a public hearing on the complaint upon at least 48 hours' public notice of the hearing and allow both parties the opportunity to present testimony and evidence. Within 7 days thereafter, the Commission shall publicly issue a final recommendation to the alleged violator and to the County Board Chairman or impose a fine upon the violator, or both.

(g) If a complaint is filed during the 60 days preceding the date of any election at which the respondent is a candidate, the Commission shall render its decision as required under subsection (e) within 7 days after the complaint is filed, and during the 7 days preceding that election, the Commission shall render such decision before the date of that election, if possible.

(h) The Commission may fine any person who intentionally violates any provision of Article 10 of this Ordinance in an amount of not less than \$1,001 and not more than \$5,000. The Commission may fine any person who knowingly files a frivolous complaint alleging a violation of this Ordinance in an amount of not less than \$1,001 and not more than \$5,000. The

Commission may recommend any appropriate discipline up to and including discharge.

(I) A complaint alleging the violation of this Act must be filed within one year after the alleged violation.

## **ARTICLE 25 PENALTIES**

Section 25-1. Penalties. (a) A person who intentionally violates any provision of Article 5 of this Ordinance may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed \$2,500.

(b) A person who intentionally violates any provision of Article 10 of this Ordinance is subject to a fine in an amount of not less than \$1,001 and not more than \$5,000.

(c) Any person who intentionally makes a false report alleging a violation of any provision of this Ordinance to the local enforcement authorities, the State's Attorney or any other law enforcement official may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed \$2,500.

(d) A violation of Article 5 of this Ordinance shall be prosecuted as a criminal offense by an attorney for the County of Clinton by filing in the circuit court an information, or sworn complaint, charging such offense. The prosecution shall be under and conform to the rules of criminal procedure. Conviction shall require the establishment of the guilt of the defendant beyond a reasonable doubt.

A violation of Article 10 of this Ordinance may be prosecuted as a quasi-criminal offense by an attorney for the County of Clinton, or, if an Ethics Commission has been created, by the Commission through the designated administrative procedure.

(e) In addition to any other penalty that may be applicable, whether criminal or civil, an officer or employee who intentionally violates any provision of Article 5 or Article 10 of this Ordinance is subject to discipline or discharge.

**SECTION 2:** This Ordinance shall be in effect upon its passage and approval and publication as provided by law.

### **#06-04-02**

**BE IT ORDAINED** by the County of Clinton, Illinois as follows:

Pursuant to Article 40-3-2 of the Clinton County Zoning Code, as amended the following described real estate shall be classified as "Commercial":

Property location: Wade Township, commencing at the northwest corner of said Quarter; thence easterly along the north line of said Quarter having an assumed bearing of North 88 degrees 38 minutes 46 seconds East 679.76 feet; thence South 01 degrees 49 minutes 19 seconds East 22.66 feet to a point on the southerly right-of-way line of Old U.S. Route 50 being the point of beginning; thence North 89 degrees 24 minutes 41 seconds East along said right-of-way line 255.00 feet to the northwest corner of an existing 2.04 Acre Tract; thence South 01 degrees 49 minutes 19 seconds East along the west line of said 2.04 acre tract 275.00 feet to the southwest corner of said Tract; thence North 89 degrees 24 minutes 41 seconds East along the south line of said Tract 100.00 feet; thence South 60 degrees 19 minutes 02 seconds West 113.09 feet; thence South 89 degrees 24

minutes 41 seconds West 255.00; thence North 01 degrees 49 minutes 19 seconds West 330.00 feet to the point of beginning. Containing 1.99 acre, more or less and is contiguous to an existing commercial property.

**ADOPTED, ORDAINED AND APPROVED** June 21, 2004, by a roll call vote of the Corporate Authorities of the County of Clinton, Illinois this 21<sup>st</sup> day of June, 2004.

Voting yes: Hitpas, Murray, Robbins, Pingsterhaus, Taylor, Fix, Holtgrave, Foppe, Sullivan, Taylor, Beckmann, and Lampe. Absent: Guthrie and Mensing.

**DATED** at Carlyle this 21<sup>st</sup> day of June, 2004.

S/ Thomas LaCaze, County Clerk

S/ Ray Kloeckner, Board Chairman

#### **#06-04-03**

**BE IT ORDAINED** by the County of Clinton, Illinois, as follows:

Article 24-6-3 of the Clinton County Motor Vehicle Code, as amended, shall be amended to include as follows:

(M) Schedule "G" shall list specifically, but without limitation to the remainder of this section, all "NO PARKING" areas.

**ADOPTED, ORDAINED, AND APPROVED** June 21, 2004, by a roll call vote of the Corporate Authorities of the County of Clinton, this 21<sup>st</sup> day of June, 2004.

Voting yes: Hitpas, Murray, Robbins, Pingsterhaus, Taylor, Fix, Holtgrave, Foppe, Sullivan, Taylor, Beckmann and Lampe.

**DATED** at Carlyle this 21<sup>st</sup> day of June, 2004.

S/ Thomas LaCaze, County Clerk

S/ Ray Kloeckner, Board Chairman

#### **#06-04-04**

**BE IT ORDAINED BY THE COUNTY OF CLINTON, ILLINOIS, AS FOLLOWS:**

Article Schedule "G" of the Clinton County Motor Vehicle Code, as amended, shall be amended to include as follows:

Walcott Road to Emerald Road on IL Rte 127, east and west sides of roadway.

**ADOPTED, ORDAINED and APPROVED** June 21, 2004, by a roll call vote of the Corporate Authorities of the County of Clinton, Illinois, this 21<sup>st</sup> day of June, 2004.

Voting yes: Hitpas, Murray, Robbins, Pingsterhaus, Taylor, Fix, Holtgrave, Foppe, Sullivan, Taylor, Beckmann, Lampe. Voting no: none. Absent: Guthrie and Mensing.

#### **#06-04-05**

This **AGREEMENT** is entered into by and between the State of Illinois, acting through its Department of Transportation, hereinafter referred to as the STATE, and Clinton County of the State of Illinois, hereinafter referred to as the LOCAL AGENCY.

#### **WITNESSETH**

**WHEREAS**, the parties hereto, in order to provide locally designated truck routes capable of sustaining increased load limits of 80,000 pounds, are desirous of improving County Highway 7 (Germantown Road) from Old US Route 50 in Breese to IL Route 161 in Germantown by resurfacing the rural section with bituminous concrete and constructing Portland cement concrete pavement in the urban section. Said improvement is to be identified as Sections 03-00083-00-RS & 03-00083-01-PV and STATE Job Number C-98-359-04 for construction and construction engineering, and

hereinafter referred to as the PROJECT.

**WHEREAS**, the parties hereto are desirous of said PROJECT in that the same will be immediate benefit to the residents of the LOCAL AGENCY and permanent in nature; and

**WHEREAS**, the STATE and LOCAL AGENCY wish to avail themselves of certain funds made available by the 80,000 Pound Truck Access Route Program for this PROJECT.

**THEREFORE**, in consideration of the mutual covenants contained herein, the parties hereto agree as follows:

1) It is mutually agreed by and between the parties hereto that the estimated cost of the improvement is as follows:

Section	03-00083-00-RS	03-00083-01-PV
Construction	\$ 500,000.00	\$ 250,000.00
Construction Engineering	<u>35,000.00</u>	<u>17,500.00</u>
Total	\$ 535,000.00	\$ 267,000.00

Total Estimated Cost = \$ 802,500.00

2) It is mutually agreed the Project will be processed, let, and constructed in accordance with Motor Fuel Tax standards, policies and procedures.

3) The Local Agency will certify to the State that all necessary right-of-way has been obtained (if right of way is required) or that no additional right-of-way is required prior to the Local Agency advertising for bids for the Project.

4) The Project will be let and awarded by the Local Agency upon approval of the plans and specifications by the State.

5) The Local Agency agrees to retain jurisdiction and to maintain or cause to be maintained in a manner satisfactory to the State, the completed Project.

6) The Local Agency agrees to pass an ordinance/resolution clearly defining the limits of the proposed 80,000 pound truck route along with identifying the class of truck route. A copy of said ordinance/resolution is attached hereto and made a part hereof. Such truck route shall be properly signed in accordance with the Illinois Manual on Uniform Traffic Control Devices. Cost of signing to be included in estimated cost of the Project.

7) The parties hereto agree the Local Agency's Engineer's Estimate for this Project is \$802,500.00 which includes 3.68 lane miles of roadway improvement that are eligible for funding under the Truck Access Road Program. Based on the Engineer's Estimate, it is mutually agreed that the State's share of the Project cost under the Truck Access Road Program shall be a lump sum amount of \$220,800.00 not to exceed 50% of the final construction cost, whichever is the lesser, payable upon completion of the Project and receipt of a request for payment from the Local Agency.

8) The Local Agency agrees to maintain, for a minimum of 3 years after the completion of the contract, adequate books, records, and supporting documents to verify the amounts, recipients, and uses of all disbursements of funds passing in conjunction with the contract; the contract and all books, records, and supporting documents related to the contract shall be available for review and audit by the Auditor General and the department; and the Local Agency agrees to cooperate fully with any audit conducted by the Auditor General and the Department and to provide full access to all relevant materials. Failure to maintain the books, records, and supporting documents required by this section shall establish a presumption in favor of the State for recovery of any funds paid by the State under

the contract for which adequate books, records, and supporting documentation are not available to support their purported disbursement. Obligations of the State shall cease immediately without penalty or further payment being required if, in any fiscal year, the IL General Assembly or applicable Federal Funding source fails to appropriate or otherwise make available funds for the work contemplated herein.

9) The Local Agency will not discriminate on the basis of race, color, national origin or sex in the award and performance of any USDOT-assisted contract or in the administration of its DBE Program or the requirements of 49 CFR part 26. The Local Agency shall take all necessary and reasonable steps under 49 CFR part 26 to ensure nondiscrimination in the award and administration of USDOT-assisted contracts. The Local Agency's DBE Program, as required by 49 CFR part 26 and as approved by USDOT, is incorporated by reference in this Agreement. Upon notification to the recipient of its failure to carry out its approved program, the department may impose sanctions as provided for under part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq). In the absence of a USDOT-approved Local Agency DBE Program or on State awarded contracts, this Agreement shall be administered under the provisions of the State USDOT approved Disadvantaged Business Enterprise Program.

10) All projects for the construction of fixed works which are financed in whole or in part with funds provided by this agreement or amendment shall be subject to the Prevailing Wage Act (820 ILCS 130/0.01 et seq.) Unless the provisions of that Act exempt its application."

11) This Agreement shall be binding upon and inure to the benefits of the parties hereto, their successors, and assigns.

June 21, 2005 S/ Ray Kloeckner, Chairman Clinton County Board.

S/ Director of Highways